

REMARKS

This response is being filed with a Request for Continued Examination (RCE).

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 29-73, 87-94 and 96 are pending in this application. Claims 87-94 and 96 are rejected. Claims 29-73 are cancelled. In this response, claims 87-88, 90-94 and 96 have been amended. Claims 97-107 have been newly added. No new matter has been added.

Reconsideration and withdrawal of the rejections set forth in the Final Office Action dated May 27, 2009, are respectfully requested in view of the remarks below.

Interview Summary Statement

A telephonic interview was conducted between Examiner Michael Misiaszek, inventor Douglas B. Heins, and applicant's representatives, Brian R. Coleman and Yenyun Fu.

The undersigned representative wishes to thank Examiner Misiaszek for the telephonic interview conducted on July 1, 2009 and granting the interview after final.

During the interview, the rejected claims 87-94 and 96 were discussed. Applicant herein submits the amendments based on the discussion with the Examiner. No particular agreement was reached during this interview.

35 U.S.C. § 103 Rejections

Claims 87-94 and 96

The Examiner has rejected claims 87-94 and 96 under 35 U.S.C. §103(a) as being unpatentable over Bodnar, et al. (U.S. Patent Publication No. 2004/0218045 A1, hereinafter referred to as 'Bodnar') in view of Johns, et al. (U.S. Patent Publication No. 2005/0097173, hereinafter referred to as 'Johns'). Applicant respectfully disagrees.

The cited references do not disclose all the subject matter in independent claim 87

Applicant respectfully submits that when viewed as a whole, the cited references do not show the subject matter recited in the pending claims.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Applicant respectfully submits that Bodnar and Johns do not render obvious applicant's independent claim since when viewed individually or as a whole, Bodnar and Johns do not disclose each and every element of independent claim 87.

For example, independent claim 87 includes:

87. *A method for processing a digital image to satisfy a fulfillment request, comprising:*
receiving the fulfillment request to perform image processing on the digital image;
wherein, the request is initiated by a user using a mobile radiotelephone and the image processing results in generation of a modified digital image;

identifying the user that initiated the request via the mobile radiotelephone;

generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image;

wherein, the provisioner further comprises a user-customized setting specified by the identified user having a selection of multiple destinations to which the digital image is sent to satisfy the fulfillment request;

in response to identifying the user, automatically performing an instantiation process, by each of the set of networked computing devices, to perform the image processing and to send the modified digital image to each of the multiple destinations. (Claim 87, emphasis added)

Bodnar describes system and methodology for automated provisioning of new user accounts (Title, Bodnar). The system and methodology of Bodnar allow a new user of a user-operated device (e.g., a wireless digital camera, cellular phone, video camera, audio device, or the like) to immediately begin using the features and services of the device without having to first activate a new user account (Abstract, Bodnar).

However, Bodnar does not perform "image processing" on a digital image, as claimed in claim 87. Specifically, Bodnar does not teach that the image processing results in a generation of a "modified digital image", as recited in claim 87.

Moreover, Bodnar does not generate a provisioner that "determines, in an ad-hoc fashion, a set of networked computing devices that collaborate" to satisfy the fulfillment request, or that the user-customized settings include "multiple destinations" to which a digital image is sent, as further recited in claim 87.

Johns does not cure the deficiency.

Specifically, Johns describes a system and method for notification of digital images to be shared via a service provider (Title, Johns).

Johns, however, also does not perform "image processing" on a digital image, as claimed in claim 87. Specifically, Johns does not teach that the image processing results in a generation of a "modified digital image", as recited in claim 87.

Furthermore, Johns also does not generate a provisioner that "determines, in an ad-hoc fashion, a set of networked computing devices that collaborate", or that the user-customized settings include "multiple destinations" to which a digital image is sent, as further recited in claim 87.

Thus, even if Bodnar and Johns were combined, the resulting disclosure would be different from what is claimed by the applicant in claim 87. Thus, without admitting to the propriety of combining Bodnar and Johns in a way presented in the Office action, Applicant submits that independent claim 87 is patentable over Bodnar, Johns, and over the combination of Bodnar and Johns, at least for the above stated reasons.

Newly added claims 97-107

Neither Bodnar nor Johns discloses at least the teachings of "receiving the fulfillment request to perform image processing on the digital image; wherein, the request is initiated by a user and the image processing results in generation of a modified digital image", "generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image; wherein, the provisioner further comprises a user-customized setting specified by the user having a selection of multiple destinations to which the digital image is sent to satisfy the fulfillment request", and "automatically initiating a process whereby each of the set of computing devices

participate in performing the image processing and sending the modified digital image to each of the multiple destinations", as recited in independent claim 97.

Moreover, Neither Bodnar nor Johns discloses at least the teachings of "generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to perform the image processing", and "automatically performing a process, by each of the set of networked computing devices, to perform the image processing; wherein, each of the set of networked computing devices perform different functions in the image processing of the digital image", as recited in independent claim 99.

Independent claims 105-107 are patentable over Bodnar, Johns, and the combination of Bodnar and Johns for at least the same and/or similar reasons.

The additional prior art of record do not cure the deficiency. Thus, at least for the above stated reasons, newly added claims 97-107 are also patentable over Bodnar, Johns, and over the combination of Bodnar and Johns.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim. Therefore, the remaining dependent claims are also patentable over the cited references. The withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested for dependent claims 88-94 and 96.

CONCLUSION

In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4306 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207 under matter number 42441-8001.US01.

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Respectfully submitted,



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